

FM 3-22, C1

Change No. 1

Headquarters

Department of the Army
Washington, DC, 21 June 2013

Army Support to Security Cooperation

1. This change corrects the list of key security cooperation funding programs in paragraph 2-23 by removing international military education and training.
2. FM 3-22, 22 January 2013, is changed as follows:

Remove Old Pages

2-3 to 2-4

Insert New Pages

2-3 to 2-4

3. File this transmittal sheet in front of the publication for reference purposes.

DISTRUBUTION RESTRICTION: Approved for public release; distribution is unlimited.

FM 3-22, C1
21 June 2013

By order of the Secretary of the Army:

RAYMOND T. ODIERNO
General, United States Army
Chief of Staff

Official:



GERALD B. O'KEEFE
Administrative Assistant to the
Secretary of the Army
1311906

DISTRIBUTION:

Active Army, Army National Guard, and United States Army Reserve: To be distributed in accordance with the initial distribution number 110502, requirements for FM 3-22.

2-11. Title 10, USC, funds may be appropriated to DOD by Congress and managed by combatant commands to conduct military-to-military exchanges and traditional commander's activities. **This does not provide the authorities for U.S. forces to train or equip partner nation militaries.** These programs support cooperative military engagement, and fund material support for the following:

- Humanitarian and civic assistance projects
- Participation in exercises
- Traditional commander activities, such as conferences, seminars or military to military exchanges

2-12. Operations and maintenance funds are provided by the combatant command for support of the DOD or combatant command security cooperation programs other than security assistance in the country. These are DOD funds traditionally provided for the purpose of operating and maintaining U.S. forces such as salaries, exercises, training, operations, and overhead costs.

GENERAL PROHIBITION ON ASSISTANCE TO POLICE

2-13. Historically, DOD is not the lead government department for assisting foreign governments. DOS is the lead when U.S. forces provide security assistance—military training, equipment, and defense articles and services—to host-nation governments. The Foreign Assistance Act of 1961 specifically prohibits assistance to foreign police forces except within specific exceptions and under a Presidential directive. When providing assistance to training, DOS provides the lead role in police assistance through its Bureau of International Narcotics and Law Enforcement Affairs. The President, however, may delegate this role to other agencies, such as when NSPD 36 granted the Commander of United States Central Command authority to train and equip Iraqi police. (For more information on police assistance, see ATTP 3-39.10.)

AUTHORITY FOR TRAINING AND EQUIPPING FOREIGN FORCES

2-14. Title 22, USC, authorizes the transfer of defense articles and services (including training) by the United States Government to friendly foreign countries in furtherance of the security objectives of the United States and in consonance with the principles of the United Nations Charter. All training and equipping of FSF is specifically authorized. U.S. laws require Congress to authorize expenditures for training and equipping foreign forces. The laws of the United States also require the DOS to verify that the host nation receiving the assistance is not in violation of human rights. Usually, DOD involvement is limited to a precise level of man-hours and materiel requested from the DOS under the Foreign Assistance Act of 1961.

2-15. Defense articles and services shall be furnished or sold solely for internal security; legitimate self-defense; preventing or hindering the proliferation of weapons of mass destruction and the means of delivering such weapons; permitting the recipient country to participate in regional or collective arrangements consistent with the Charter of the United Nations; or supporting economic and social development activities by foreign military forces in less developed countries. As such, all training and equipping of FSF must be specifically authorized. The President may authorize deployed U.S. forces to train or advise host-nation security forces as part of the mission in accordance with the provisions of the War Powers Act and other U.S. law. Consultation with a staff judge advocate or legal advisor early in the mission planning process will help commanders ensure that any planned effort to train or and equip foreign forces are funded and executed in a manner consistent with the law.

AUTHORITY FOR FOREIGN INTERNAL DEFENSE

2-16. Without receiving a deployment or execution order from the President or Secretary of Defense, U.S. forces may be authorized to make only limited contributions during operations that involve foreign internal defense. If the Secretary of State requests and the Secretary of Defense approves, U.S. forces can participate in foreign internal defense. The request and approval go through standing statutory authorities in Title 22, USC. Title 22 contains the Foreign Assistance Act, the Arms Export Control Act, and other laws. It authorizes security assistance, developmental assistance, and other forms of bilateral aid. The request and approval might also occur under various provisions in Title 10, USC.

2-17. Title 10 authorizes certain types of military-to-military contacts, exchanges, exercises, and limited forms of humanitarian and civic assistance in coordination with the U.S. ambassador to the host nation. In such situations, U.S. forces work as administrative and technical personnel as part of the U.S. diplomatic mission pursuant to a status-of-forces agreement or pursuant to an exchange of letters with the host nation. This cooperation and assistance is limited to liaison, contacts, training, equipping, and providing defense articles and services. It does not include direct involvement in operations. Assistance to foreign police forces by U.S. forces is permitted but not with the DOD as the lead government department.

2-18. Foreign internal defense is a legislatively directed operation attributable to the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433), Section 212, Initial Review of Combatant Commands.

FUNDING CONSTRAINTS AND PROGRAMS

2-19. *Commanders and staffs planning any security cooperation mission must consult a staff judge advocate.* Security cooperation programs are governed by U.S. statute and require knowledge of the USC. With limited exceptions, DOD may not train FSF under Title 10. All training and equipping of FSF must be specifically authorized. DOD has limited ability to build the capacity of security forces not part of the ministry of defense. The primary laws of concern are the Foreign Assistance Act, the Arms Export Control Act, and various sections of Titles 10 and 22, USC.

2-20. The Leahy Amendments prohibit the United States Government from providing funds to a unit of the security forces of a foreign country if DOS has credible evidence that the unit has committed gross violations of human rights. The provisions restrict funding until the Secretary of State determines and reports that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice. In the event the security forces include members suspected of human rights violations, the law restricts funding until the Secretary of State determines and reports that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.

2-21. Congress specifically appropriates funds for foreign assistance. U.S. funds used for weapons, training, equipment, logistic support, supplies, and services provided to foreign forces must be paid for with funds appropriated by Congress for that purpose. The United States Agency for International Development (USAID) expends such funds under the legal authorities in Title 22. Provisions of Title 10 may also authorize amounts of money for these purposes. Standing funding authorities are narrowly defined and generally require advance coordination within DOD and DOS.

2-22. Effective foreign forces need training and equipment. U.S. laws require Congress to authorize such expenditures. U.S. laws also require DOS to verify that the host nation receiving the assistance is not in violation of human rights.

Key Security Cooperation Funding Programs

2-23. There are numerous funding sources and authorities for security cooperation. Programs funded under Title 10 that build partner capacity include but are not limited to—

- Combatant Commander's Initiative Fund.
- Joint combined exchange training.
- Humanitarian and civic assistance.
- The Developing Country Combined Exercise Program.
- Traditional commander activities.
- Multinational support funds.
- National Guard State Partnership Program.
- Department of Defense Regional Centers for Security Studies.
- Senior Service colleges and professional military education.